

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Regional Headquarters
2300 N. Dr. ML King Drive, PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8483
TDD 414-263-8713

March 10, 1999

Ms. Diane Gabriel
Lippman-Milwaukee, Inc. Facility
3271 E. Van Norman Ave.
Cudahy, WI 53110

FID 241343080
BRRTS 0341120245

Subject: Closure request for Lippman-Milwaukee, Inc., located at 3271 E. Van Norman Ave.,
Cudahy, WI

Dear Ms. Gabriel:

The Department has reviewed your most recent closure submittal dated, December 21, 1998, and any other relevant information pertaining to this case. The Department concurs with your consultant that no further action is necessary at this time.

All Monitoring wells must be abandoned within 60 days in accordance to ch. NR 141.25, WAC. A deed restriction is required for closure because there is soil remaining on the property above the NR 720, WI Adm. Code (WAC) residual contaminate levels (RCLs). Please use option 1 from the Department's interim guidance on institutional controls which deals with structural impediments and include necessary figures and/or tables. A groundwater use restriction is also required for closure because there is groundwater contamination remaining above the NR 140, WAC, Enforcement Standards (ES). In the groundwater use restriction, please include the location, type, and concentrations of contaminants (including appropriate maps and/or tables); a specific legal description of the property; and must include the standard language:

"Natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140 groundwater standards within the boundaries of this property. Construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by chs. NR 811 and NR 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply. Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater to determine what specific requirements are applicable prior to constructing or reconstruction a well on this property."

Interim guidance on institutional controls may be found on the DNR's web site (<http://www.dnr.state.wi.us>) by searching "RR PDF Documents" or by calling the publication request line at (608)264-6009.

After Departmental approval of the draft groundwater use and draft deed restriction, receipt of a certified copy of the groundwater use and deed restriction with appropriate maps and/or tables, and receipt of monitoring well abandonment documentation this site will be in compliance with ch. NR 700-726, WAC, and will be officially closed and tracked as such on the Department's tracking system.

For expedient processing, please send all future correspondence to the attention of RR Program Assistant at the above address. Please include that I, Michelle McGee, am the current reviewer of the case.

If you have any questions regarding this letter, please contact me at the above address or at (414)263-8644.

Sincerely,

Michelle M. McGee
Hydrogeologist
Remediation and Redevelopment Program

cc: Jeffrey Bond, Giles Engineering
SER case file

7777820

REGISTER'S OFFICE | SS
Milwaukee County, WI

RECORDED AT 10:36 AM

07-23-1999

REEL _____ IMAGE _____

WALTER R. BARCZAK
REGISTER OF DEEDS

AMOUNT 16.00

DOCUMENT NO.

DEED RESTRICTIONS

Legal Description of the Property as it Appears on the Most Recent Deed

Lots 2-4 of Block 5 of Cudahy Station subdivision in Southwest ¼ of
Section 23, Town 6 North, Range 22 East, in the City of Cudahy, County of
Milwaukee, State of Wisconsin

THIS SPACE RESERVED FOR RECORDING DATA

NAME AND RETURN ADDRESS

Diane Gabriel
c/o Lippman-Milwaukee, Inc. Facility
3271 E. Van Norman Avenue
Cudahy, WI 53110

TAX KEY IDENTIFICATION NUMBER

590-0080

DECLARATION OF RESTRICTIONS

Lots 2-4 of Block 5 of Cudahy Station subdivision in Southwest ¼ of Section 23, Town 6 North, Range 22 East, in
the City of Cudahy, County of Milwaukee, State of Wisconsin.

State of Wisconsin)
) ss.
County of Milwaukee)

WHEREAS, The Diane L. Gabriel Trust, dated December 15, 1995, is the owner of the above described
property (the "Property"); and

WHEREAS, one or more petroleum discharges have occurred at this Property. Approximately 244 tons of
petroleum impacted soils were excavated and landfilled. Approximately 40 cubic yards of benzene impacted soils,
which have concentrations above current Ch. NR 720 Cleanup Standards, are inaccessible and remain in-place
beneath the existing overhead utility lines. Benzene contaminated groundwater above Ch. NR 140 Enforcement
Standard exists on this Property in the area of MW3. The locations of the remaining petroleum affected soil and
shallow groundwater aquifer are depicted in Figure 2, Groundwater Analytical Results.

WHEREAS, it is the desire and intention of the property owner to impose on the Property restrictions which will make it unnecessary to conduct additional soil or groundwater remediation activities on the Property at the present time.

WHEREAS, the Department of Natural Resources has determined that the Property has been investigated and remediated in compliance with the requirements of Chs. NR 700 and NR 724 of the Wisconsin Administrative Code. Therefore, the Department of Natural Resources considers this case closed and that no further action is necessary on the Property.

NOW THEREFORE, Diane L. Gabriel, Trustee of The Diane L. Gabriel Trust, dated December 15, 1995, hereby declare that all of the Property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following restrictions:

One or more petroleum discharges have occurred at this property. Structural impediments existing at the time of clean-up made complete remediation of the soil contamination impracticable. Benzene contaminated soil may remain on this property beneath the overhead utility lines. Pursuant to the requirements of S. 144.76 Stats., any future work on this property which removes the structural impediments which currently exist shall include an investigation of the degree and extent of remaining benzene contamination. To the extent that contamination is found at that time, the Wisconsin Department of Natural Resources shall be immediately notified and the contamination shall be properly treated or disposed of in accordance with applicable laws.

Natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding Ch. NR 140 Groundwater Standards within the boundaries of this property. Construction of wells where the water quality exceeds the drinking water standards in Ch. NR 809 is restricted by Chs. NR 811 and NR 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply. Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources - Bureau of Drinking Water and Groundwater to determine what specific requirements are applicable prior to constructing or reconstruction of a well on this property.

These restrictions are hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above described Property whether by descent, devise, purchase or otherwise. These restrictions inure to the benefit of and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The WDNR, its successors or assigns may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the Property described above may request that the Wisconsin Department of Natural Resources or its successors issue a determination that the restriction set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restriction contained herein can be extinguished. If the Wisconsin Department of Natural Resources determines that the restriction can be extinguished, an affidavit can be recorded to give notice that this groundwater use restriction is no longer binding.

IN WITNESS WHEREOF, Diane L. Gabriel, Trustee of the Diane L. Gabriel Trust, dated December 15, 1995, have executed this Declaration of Restriction this

13th day of July, 1999.

Diane L. Gabriel, Trustee of the
Diane L. Gabriel Trust dated
December 15, 1995

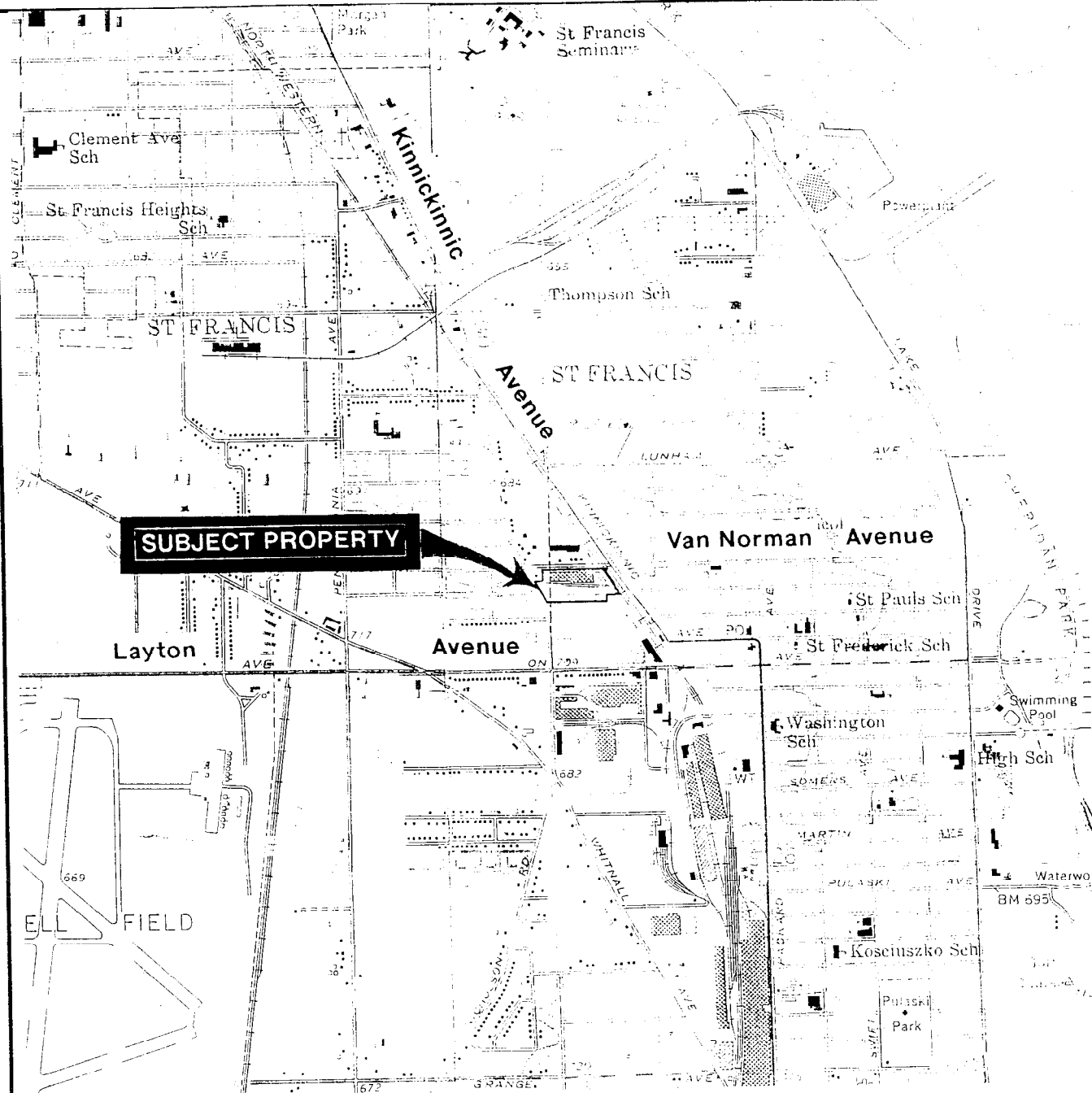
State of Wisconsin)
) ss.
County of Milwaukee)

Personally came before me this 13 day of July, 1999 the above named Diane L. Gabriel
~~Milwaukee~~ and to me known to be the company who executed the foregoing instrument and acknowledged the
same.


(John F. Kuester)
Notary Public, State of Wisconsin
My Commission Expires is permanent

This document was drafted by the Wisconsin Department of Natural Resources and after recording should be returned to:

Diane L. Gabriel
c/o Lippman-Milwaukee, Inc. facility
3271 East Van Norman Avenue
Cudahy, WI 53110 -0586



Source: 1958 South Milwaukee, Wisconsin (Photorevised 1971)
and 1958 Greendale, Wisconsin (Photorevised 1971 and 1976)
7.5 Minute Series (Topographic) Maps

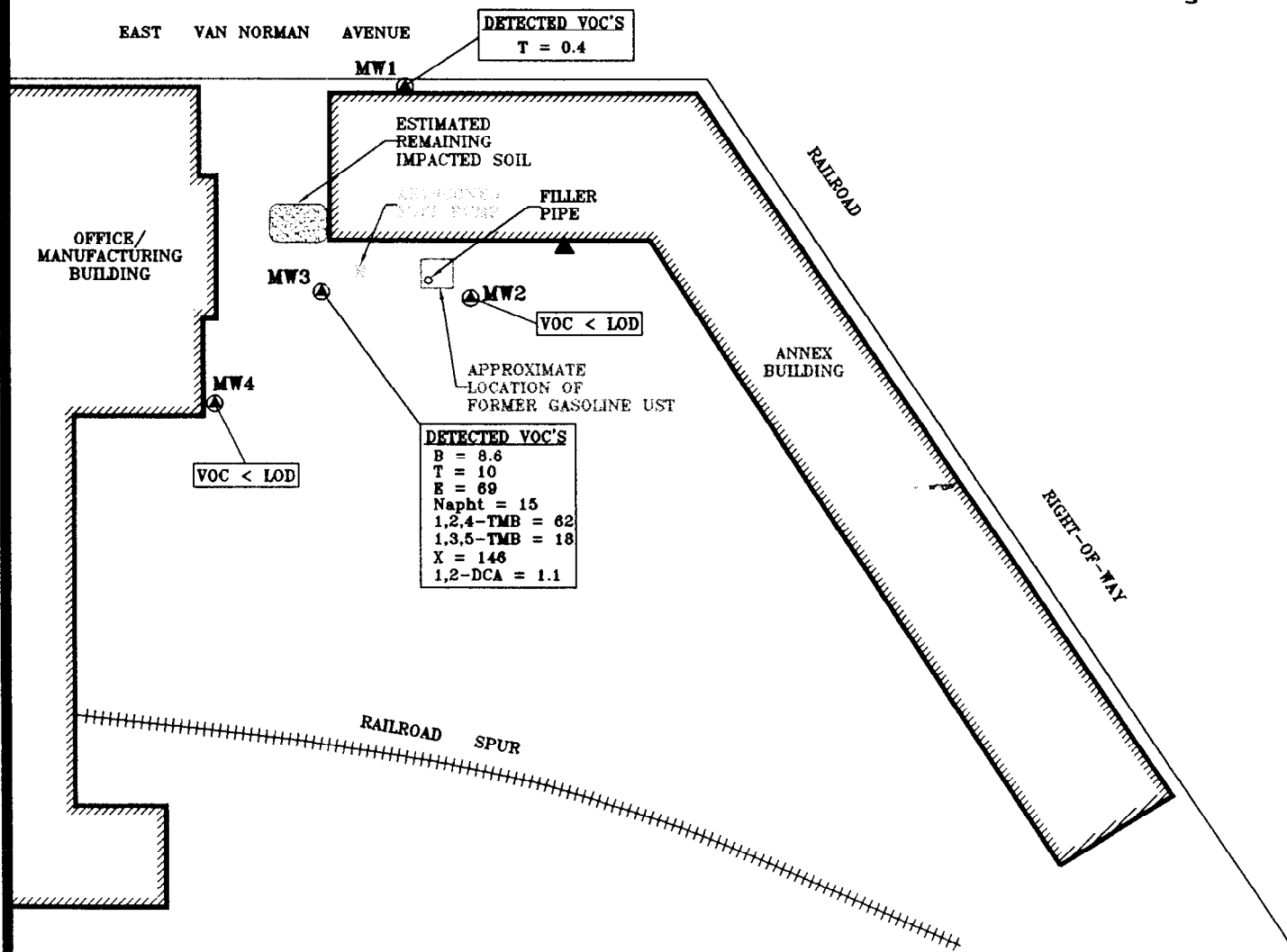
Scale: 1"=2000'



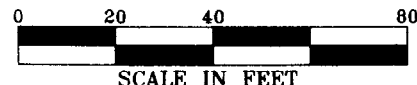
FIGURE 1
SITE LOCATION MAP

Lippmann-Milwaukee, Inc.
3271 East Van Norman Avenue
Cudahy, Wisconsin
Project No. 1E-9704055

GILES ENGINEERING ASSOCIATES, INC.
GEOTECHNICAL, ENVIRONMENTAL
AND CONSTRUCTION MATERIALS CONSULTANTS



CHEMICAL KEY:
-Napht: NAPHTHALENE
-TMB: TRIMETHYLBENZENE
-B: BENZENE
-T: TOLUENE
-E: ETHYLBENZENE
-X: TOTAL XYLENES



LEGEND:
MW1 MONITORING WELL NUMBER AND LOCATION
▲ BENCHMARK: FINISHED FLOOR AT GARAGE DOOR; ASSUMED ELEVATION = 100.0'

ABBREVIATIONS:
-LOD: LIMIT OF DETECTION
-VOC: VOLATILE ORGANIC COMPOUNDS

NOTES:
VOC RESULTS EXPRESSED IN MICROGRAMS PER LITER (ug/l) EQUIVALENT TO PARTS PER BILLION (ppb)

RESULTS INDICATED IN RED EXCEED THE WDNR ES ACCORDING TO NR 140

RESULTS INDICATED IN GREEN EXCEED THE WDNR PAL ACCORDING TO NR 140



GILES ENGINEERING ASSOCIATES, INC.
N8 W22350 JOHNSON RD.; WAUKESHA, WI. 53186
(414)-544-0118

FIGURE 2
GROUNDWATER ANALYTICAL RESULTS (11/16/98)
LIPPMANN-MILWAUKEE, INCORPORATED FACILITY
3271 EAST VAN NORMAN AVENUE
CUDAHY, WISCONSIN

DESIGNED	DRAWN	APPROVED	SCALE	DATE
SAS	CTM	X	1" = 40'	12-21-98
PROJECT NO.: 1E-9704055			CAD No. E704055C	

Table 1
Groundwater Analytical Results

Lippman-Milwaukee, Inc. Facility
3271 East Van Norman Avenue
Cudahy, Wisconsin
Project No. 1E-9704055

MW1	8/11/97	<0.41	<0.23	0.47	<0.79	<0.53	0.45	<0.25	<0.24	<0.66	<0.27	<0.15	0.92
	11/17/97	<0.41	<0.23	<0.28	<0.51	<0.53	<0.30	<0.25	NA	<0.66	NA	NA	0
	2/17/98	<0.16	<0.29	<0.36	<0.94	<0.20	<0.30	<0.34	NA	<0.81	NA	NA	0
	5/21/98	<0.4	<0.7	<0.7	<1.4	<0.4	<0.7	<0.7	NA	<1.2	NA	NA	0
	8/20/98	<0.4	<0.7	<0.7	<1.4	<0.4	<0.7	<0.7	NA	<1.2	NA	NA	0
	11/16/98	<0.2	<0.2	0.4	<0.4	<0.2	<0.3	<0.2	<0.2	<0.5	NA	NA	0.4
MW2	8/11/97	<0.41	<0.23	<0.28	<0.79	<0.53	<0.30	<0.25	<0.24	<0.66	<0.27	<0.15	0
	11/17/97	<0.41	<0.23	<0.28	<0.51	<0.53	<0.30	<0.25	NA	<0.66	NA	NA	0
	2/17/98	<0.16	<0.29	<0.36	<0.94	<0.20	<0.30	<0.34	NA	<0.81	NA	NA	0
	5/21/98	<0.4	<0.7	<0.7	<1.4	<0.4	<0.7	<0.7	NA	<1.2	NA	NA	0
	8/20/98	<0.4	<0.7	<0.7	<1.4	<0.4	<0.7	<0.7	NA	<1.2	NA	NA	0
	11/16/98	<0.2	<0.2	<0.3	<0.4	<0.2	<0.3	<0.2	<0.2	<0.5	NA	NA	0
MW3	8/11/97	1900	780	750	3050	<13	550	150	<6.0	140	77	<3.8	7397
	11/17/97	43	52	27	252	<0.53	110	39	NA	14	NA	NA	537
	2/17/98	17	78	30	304	2.1	70	28	NA	13	NA	NA	542.1
	5/21/98	14	65	19	245	<0.4	60	19	NA	13	NA	NA	435
	8/20/98	18	73	19	217	<0.4	60	18	NA	17	NA	NA	422
	11/16/98	8.6	69	10	146	<0.2	62	18	1.1	15	NA	NA	329.7
MW4	8/11/97	<0.41	<0.23	<0.28	<0.79	<0.53	<0.30	<0.25	<0.24	<0.66	<0.27	0.26	0.26
	11/17/97	<0.41	<0.23	<0.28	<0.51	<0.53	<0.30	<0.25	NA	<0.66	NA	NA	0
	2/17/98	<0.16	<0.29	<0.36	<0.94	<0.20	<0.30	<0.34	NA	<0.81	NA	NA	0
	5/21/98	<0.4	<0.7	<0.7	<1.4	<0.4	<0.7	<0.7	NA	<1.2	NA	NA	0
	8/20/98	<0.4	<0.7	<0.7	<1.4	<0.4	<0.7	<0.7	NA	<1.2	NA	NA	0
	11/16/98	<0.2	<0.2	<0.3	<0.4	<0.2	<0.3	<0.2	<0.2	<0.5	NA	NA	0
WDNR ES		5	700	343	620	60	--	--	5	40	--	3	--
WDNR PAL		0.5	140	68.6	124	12	--	--	0.5	8	--	0.3	--

NA Not analyzed
-- No established ES or PAL
WDNR Wisconsin Department of Natural Resources (NR 140.10 of the Wisconsin Administrative Code)
ES Enforcement Standard, expressed in micrograms per liter (ug/l)
PAL Preventive Action Limit, expressed in micrograms per liter (ug/l)
MTBE Methyl tert butyl ether
TMB Trimethylbenzene

DCA Dichloroethane
Napht Naphthalene
n-Pbz n-Propylbenzene
Chlme Chloromethane

Results indicated in red exceed the WDNR ES according to NR 140
Results indicated in green exceed the WDNR PAL according to NR 140

TABLE 2
NATURAL ATTENUATION PARAMETERS

Lippman-Milwaukee, Inc. Facility
3271 East Van Norman Avenue
Cudahy, Wisconsin
Project No. 1E-9704055

Sample Location	Date Collected	Natural Attenuation Parameters					
		Alkalinity as CaCO ₃ (mg/l)	Dissolved Iron (Mg/l)	Dissolved Manganese (Mg/l)	Nitrogen, Nitrate (mg/l)	Sulfate (mg/l)	Methane (ug/l)
MW1	5/21/98	256	0.2	<0.009	0.5	57	1.7
MW2	5/21/98	552	<0.056	0.09	0.07	137	12
MW3	5/21/98	68	<0.071	<0.009	<0.04	79	195
MW4	5/21/98	436	<0.071	0.07	<0.04	234	2.6

TABLE 3
NATURAL ATTENUATION PARAMETERS (Field)

Lippman Milwaukee, Inc. Facility
3271 East Van Norman Avenue
Cudahy, Wisconsin
Project No. 1E-9704055

Monitoring Well Number	Date Sampled	Temperature (celsius)	Dissolved Oxygen (mg/L)	PH (Units)	Specific Conductance (us/cm)	Salinity (ppt)	Resistivity (k-ohm-cm)	TDS (g/L)	Redox ORP (mV)	Depth to Groundwater (feet)
MW-1	11/17/97	9.7	1.98	5.5	690	NA	NA	NA	NA	2.38
	2/17/98	--	--	5.5	650	NA	NA	NA	NA	0.2
	5/21/98	12.13	0.73	7.31	602	0.31	1.662	0.386	313	4.36
	8/20/98	15.43	5.91	7.55	985	0.51	1.016	0.63	378	2.29
	11/16/98	13.61	2.49	7.33	881	0.46	1.135	0.565	477	4.67
MW-2	11/17/97	10.7	0.36	6.3	1550	NA	NA	NA	NA	0.2
	2/17/98	5.8	0.65	6	1280	NA	NA	NA	NA	0
	5/21/98	15.5	1.5	7.7	1502	0.79	0.672	0.951	354	0
	8/20/98	17.05	2.61	7.42	2478	1.33	0.404	1.586	394	1.06
	11/16/98	12.69	3.03	8.86	2747	1.48	0.364	1.759	462	0
MW-3	11/17/97	11.9	0.23	5.8	700	NA	NA	NA	NA	3.08
	2/17/98	5.3	0.52	5.2	1030	NA	NA	NA	NA	1.75
	5/21/98	17.73	0.35	10.92	739	0.38	1.353	0.473	291	2.37
	8/20/98	21.68	1.99	10.56	907	0.47	1.102	0.58	326	2.61
	11/16/98	13.16	2.31	10.26	765	0.4	1.294	0.494	393	2.2
MW-4	11/17/97	14.3	0.3	6.3	1420	NA	NA	NA	NA	3.41
	2/17/98	9.2	0.55	6	1510	NA	NA	NA	NA	3.58
	5/21/98	15.98	0.48	6.85	1916	1.02	0.523	1.226	367	2.74
	8/20/98	18.08	4.72	7.11	2840	1.53	0.352	1.819	389	2.42
	11/16/98	15.33	2.46	6.89	2878	1.55	0.35	1.823	496	3.2

mg/L milligrams per liter
us/cm microsiemens per centimeter
ppt parts per thousand
k-ohm-cm kilo-ohm-centimeter
g/L grams per liter
mV millivolt